UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,026	11/19/2003	Jeff Scott Eder	VM-57	7325

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ART UNIT	PAPER NUMBER
2121	

DATE MAILED: 05/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *(3)* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *19 November 2003*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-53* is/are pending in the application.

    4a) Of the above claim(s) *1-27* is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *28-53* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *19 November 2003* is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some *   c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date *11192003/09232004*. 0110200S/0510200S/

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

U.S. Patent and Trademark Office
06172005/06202005/
PTOL-326 (Rev. 7-05)
07052005/01042005
Office Action Summary
Part of Paper No./Mail Date 04252006
02202005/09232004

UNITED STATES PATENT AND TRADEMARK OFFICE

P.O. Box 1450, Alexandria, Virginia 22313-1450 – www.uspto.gov

Examiner's Detailed Office Action

1.   Claims 1-27 have been canceled.

2.   Claims 28-53 have been examined.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4.   The invention as disclosed in claims 28-51 are rejected under 35 U.S.C. 101 as being non-statutory subject matter.

5.   Claims 28-36 & 46-50 are rejected under 35 U.S.C. 101 as being non-statutory subject matter. The claims constitutes one of a Judicial exception i.e., software modules, devoid of any apparent hardware, and therefore are computer programs e.g., functional descriptive material. Moreover, since the computer programs are not embodied on an appropriate computer-readable storage medium. They cannot be afforded patentable eligibility.

6.   Claims 28-51 appears to be directed to an abstract idea rather than a practical application

of an abstract idea which would produce a "useful, concrete or tangible results." The claimed

invention as a whole must accomplish a practical application, that is, it must produce a "useful,

concrete and tangible result." As per claims 28-51 there is no practical application and is

insufficient to establish a real world "tangible" result. Moreover, devoid of such it qualifies

applicant's claimed invention as an abstract idea e.g., a computational model or a mathematical

manipulation of a function or equation, or whatever, as such, a process that merely manipulates

an abstract idea or performs a purely mathematical algorithm is non-statutory despite the fact that

it might inherently have some usefulness. In re Sarkar, 588 F.2d at 1335, 200 USPQ at 139, the

court explained why this approach must be followed:

> No mathematical equation can be used, as a practical matter, without establishing
> and substituting values for the variables expressed therein. Substitution of values
> dictated by the formula has thus been viewed as a form of mathematical step. If the
> steps of gathering and substituting values were alone sufficient, every mathematical
> equation, formula, or algorithm having any practical use would be per se subject to
> patenting as a "process" under 101. Consideration of whether the substitution of
> specific values is enough to convert the disembodied ideas present in the formula
> into an embodiment of those ideas, or into an application of the formula, is fore-
> closed by the current state of the law.

7.   A claim is limited to a practical application when the method or system, as claimed,

produces a concrete, tangible and useful result; i.e., the method recites a step or act of producing

something that is concrete, tangible and useful. See AT &T, 172 F.3d at 1358, 50 USPQ2d at

1452. See MPEP § 2106(IV) Applicant is advised to make the appropriate corrections in an

attempt to gain patentability. The claimed invention as a whole must accomplish a practical

application. That is, it must produce a "useful, concrete and tangible result." State Street, 149

F.3d at 1373, 47 USPQ2d at 1601-02. Remember, the claims define the property rights provided

by a patent, and thus require careful scrutiny. Therefore, it is not enough to set forth invention in

the specification. The claims must also reflect the scope and breath of applicant's invention. *In re*

Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations

appearing in the specification but not recited in the claim are not read into the claim. *In re*

Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551(CCPA 1969).

Claim Rejections - 35 USC § 102

8.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9.   Claims 28-32, 34-37, 39-41, 43, 45, 46, 48, 51 & 52 are rejected under 35 U.S.C. 102(b)

as being anticipated by *Swart* (USPN 6,347,306 B1).

Regarding claims 28, 37, 46 & 51. *Swart* teaches an entity context apparatus, [*see* FIG. 2. C 5,

L 33 to C 7, L 47 *Examiner interprets* entity *as something that is separate or distinct e.g., a*

person, place, thing, concept, corporation or organization of which collects, maintains or

distributes data] comprising: a plurality of entity related systems and databases, means for

preparing data from said systems and databases for use in processing, means for developing

an entity context using at least a portion of said data, means for context-based data [*Examiner*

interprets context-based data *as the interrelated conditions in which something exists or occurs*

e.g., time and attendance transactions] and information storage, and means for context distri-

bution where a context includes different aspects of context selected from the group consisting

of element context, **resource context**, [*see* FIG. 2. C 5, L 33 to C 7, L 47 *Examiner interprets*

time and attendance system *as a entity specific system employing all the hardware and software*

necessary to capture, store and distribute **resource context data** e.g., Human resources (HR)

computer system] factor context, reference context, measure context, relationship context,

transaction context, lexical context and combinations thereof, a computer readable medium

having sequences of instructions stored therein, which when executed cause the processors in a

plurality of computers that have been connected via a network to perform an entity context

method, [*see* FIG. 2. C 5, L 33 to C 7, L 47] comprising: aggregating data from a plurality of

entity related systems, [*see* FIG. 2.] developing one or more entity contexts using at least a

portion of said data where an entity context includes one or more different aspects of context

selected from the group measure consisting element context, **resource context**, [*see* FIG. 2. C 5,

L 33 to C 7, L 47 *Examiner interprets the* time and attendance system *as a entity specific system*

employing all the hardware and software necessary to capture, store and distribute **resource**

context data e.g., Human resources (HR) computer system] factor context, reference context,

measure context, relationship context, transaction context, lexical context and combinations

thereof, and using one or more entity contexts to support useful activities selected from the group

consisting of completing actions, improving entity performance, managing entity performance,

responding to events, supporting entity performance analyzing the impact of user specified

changes on entity function measure performance, capturing entity related knowledge from one or

more subject matter experts, collaborating with others to refine entity knowledge, customizing

any combination of products, services and information for the entity, developing programs for

entity related devices, developing programs for bots to support entity performance, developing

new entity related software programs, developing an entity ontology, displaying knowledge about entity performance, educating users, managers and collaborators about the entity in an interactive manner, establishing priorities for entity actions and commitments, establishing expected performance levels for the entity, exchanging any combination of resources, elements, commitments, data and information with one or more other entities in an automated fashion, forecasting future values of entity related variables, identifying metrics and rules for monitoring entity performance, identifying changes that will optimize entity performance on one or more function measures, identifying the valid context space for entity analyses, identifying the data and information that is most relevant to the entity, identifying entity preferences, loading the data and information that is most relevant to the entity into a cache, optimize information technology support of entity performance, providing a true natural language inter-face for entity related software, quantifying risks to entity performance, quantifying the impact of surprises on entity performance, reviewing entity performance using user defined measures, regulatory measures and combinations thereof, searching for data in context, searching for information in context, searching for knowledge in context, simulating entity performance, underwriting entity related securities and combinations thereof, a search [*see* FIG. 2, C 7, L 32-46 *Examiner interprets the retrieval of employee specific context data to be performed by a searching routine*] method comprising: aggregating data from a plurality of entity related systems, [*see* FIG. 2] develop one or more entity contexts for an individual entity and for a group of individual entities using at least a portion of said data, identifying a combination of data and information that is relevant to one or more layers of context for an entity selected from the group consisting of the individual entity, the group entity and combinations thereof using said entity contexts, and displaying the

results in order of relevance where an entity context further comprises a plurality of context layers selected from the group consisting an element context layer, **a resource context layer,** [*see* FIG. 2. C 5, L 33 to C 7, L 47 *Examiner interprets the* time and attendance system *as a entity specific system employing all the hardware and software necessary to capture, store and distribute* **resource context data** e.g., Human resources (HR) computer system, *moreover, examiner interprets* layer *as one of many levels the entity institution has to traverse to secure the entities context data, whether that layer be one of software interactions or network hardware*] a factor context layer, a reference context layer, a measure context layer, a relationship context layer, a transaction context layer, a lexical context layer and combinations thereof, A context distribution system, [*see* FIG. 2. C 5, L 33 to C 7, L 47 *Examiner interprets* entity *as something that is separate or distinct e.g., a person, place, thing, concept, corporation or organization of which collects, maintains or distributes data*] comprising: a device with a processor having circuitry to execute instructions; a storage device available to each processor with sequences of instructions stored therein, [*see* FIG. 2] which when executed cause the processor to: aggregate data from a plurality of entity related systems, develop one or more entity contexts using at least a portion of said data where an entity context includes one or more different aspects of context selected from the group consisting element context, **resource context,** [*see* FIG. 2. C 5, L 33 to C 7, L 47 *Examiner interprets the* time and attendance system *as a entity specific system employing all the hardware and software necessary to capture, store and distribute* **resource context data** e.g., Human resources (HR) computer system] factor context, reference context, measure context, relationship context, transaction context, lexical context and combinations thereof, and distribute one or more of the entity contexts in an automated fashion.

Regarding claim 29. *Swart* teaches an apparatus of claim 28 that further comprises means for

applying all or part of an entity context to support useful activities selected from the group

consisting of: completing actions, improving entity performance, **managing entity**

performance, [*see* FIG. 2. C 5, L 33 to C 7, L 47 *Examiner interprets the* time and attendance

system *as a entity specific system employing all the hardware and software necessary to capture,*

store and distribute **resource context data** e.g., Human resources (HR) computer system]

responding to events, supporting entity performance, analyzing the impact of user specified

changes on entity function measure performance, capturing entity related knowledge from one

or more subject matter experts, collaborating with others to refine entity knowledge, customizing

any combination of products, services and information for the entity, developing programs for

entity related devices, developing programs for bots to support entity performance, developing

new entity related software programs, developing an entity ontology, displaying knowledge

about entity performance, educating users, managers and collaborators about the entity in an

interactive manner, establishing priorities for entity actions and commitments, establishing

expected performance levels for the entity, exchanging arty combination of resources, elements,

commitments, data and information with one or more other entities in an automated fashion,

forecasting future values of entity related variables, identifying metrics and rules for monitoring

entity performance, identifying changes that will optimize entity performance on one or more

function measures, identifying the valid context space for entity analyses, identifying the data

and information that is most relevant to the entity, identifying entity preferences, loading the data

and information that is most relevant to the entity into a cache, optimize information technology

support of entity performance, providing a true natural language interface for entity related soft-

ware, quantifying risks to entity performance, quantifying the impact of surprises on entity per-

formance, reviewing entity performance using user defined measures, regulatory measures and

combinations thereof, searching for data in context, searching for information in context,

searching for knowledge in context, simulating entity performance, underwriting entity related

securities and combinations thereof.

Regarding claim 30. *Swart* teaches the apparatus of claim 28 where an entity is selected from a

group of domains consisting of political, habitat, intangibles, interpersonal, market,

organization, [*see* FIG. 2. C 5, L 33 to C 7, L 47 *e.g., Human resources (HR) of an organization*

like a corporate entity] biology, cellular, organism, protein, chemistry, geology, physics, space,

tangible goods, water, weather and combinations thereof.

Regarding claim 31. *Swart* teaches The apparatus of claim 28 where an entity is a separate entity,

a combination of two or more entities or a multi-entity system. [*see* FIG. 2. C 5, L 33 to C 7,

L 47 *e.g., T&A system, HR system, Payroll Processing system, Banking system*]

Regarding claims 32 & 41. *Swart* teaches the apparatus of claim 28 where an entity is a member

of one or more groups selected from the group consisting of voter, precinct, caucus, city, county,

state/province, regional, national, multi-national, global, household, neighborhood, community,

city, region, brand, expectations, ideas, ideology, knowledge, law, money, right, relationship,

service, individual, nuclear family, extended family, olan, ethnic group, **organization**, [*see* FIG.

2. C 5, L 33 to C 7, L 47 *e.g., Human resources (HR) of an organization like a corporate entity*]

multi-organization, industry, market, economy, team, group, department, division, company, organization species, genus, family, order, class, phylum, kingdom, macromolecular complexes, protein, ma, DNA, x-ylation, organelles, cells, structure's, organs, organic systems, organism, monomer, dimer, large oligomer, aggregate, particle, molecules, compounds, chemicals, catalysts, minerals, sediment, rock, landform, plate, continent, planet, quark, particle zoo, protons, neutrons, electrons, atoms, molecules, dark matter, asteroids, comets, planets, stars, solar system, galaxy, universe, compounds, minerals, components, subassemblies, assemblies, subsystems, goods, systems pond, lake, bay, sea, ocean, creek, stream, river, current, atmosphere, clouds, lightning, precipitation, storm, wind and combinations thereof.

Regarding claim 34. *Swart* teaches the apparatus of claim 28 where data are aggregated from the group of consisting of organization systems, [*see* FIG. 2. C 5, L 33 to C 7, L 47 *e.g., Human resources (HR) of an organization like a corporate entity*] personal systems, bio medical systems, scientific systems, devices and combinations thereof.

Regarding claim 35. *Swart* teaches the apparatus of claim 28 that is supported by computer hardware from the group consisting of a computer, a cluster, a plurality of computers connected via a network, [*see* FIG. 3. C 7, L 47 to C 8, L 59] one or more virtual computers, one or more blade servers, a plurality of computers connected via a grid, a device and combinations thereof.

Regarding claim 36. *Swart* teaches the apparatus of claim 28 that further comprises support for

context development, context storage and context distribution for a collection of entities or a

population of entities. [*see* FIG. 2. C 5, L 33 to C 7, L 47 *e.g., employee data computer system*]

Regarding claim 39. *Swart* teaches the computer readable medium of claim 37 where each of one

or more entity contexts is defined by a relationship from the group consisting of being a context

element having impact on one or more entities, **being a context element having impact on one**

or more entity types, [*see* FIG. 2. C 5, L 33 to C 7, L 47 *e.g., Human resources (HR) of an*

organization like a corporate entity] being a context element having impact on one or more

events, being a context element having impact on one or more actions, being a context element

having impact on one or more other elements, being a factor having impact on one or more

entities, being a factor having impact on one or more entity types, being a factor having impact

on one or more events, being a factor having impact on one or more actions, being a factor

having impact on one or more other elements, measure impact, being a resource having

impact on one or more entities, being a resource having impact on one or more entity types,

being a resource having impact on one or more events, being a resource having impact on

one or more actions, being a resource having impact on one or more elements, reference

frame position and combinations thereof.

Regarding claim 40. *Swart* teaches the computer readable medium of claim 37 where an entity is

a separate entity, a collaboration between two or more entities or a mufti-entity system. [*see* FIG.

2. C 5, L 33 to C 7, L 47 *e.g., employee data computer system*]

Regarding claim 43. *Swart* teaches the computer readable medium of claim 37 where each of one

or more entity contexts includes attributes from the group consisting of the definition of one or

more entity functions, the relative importance of the one or more entity functions, one or more

entity function measures, the identity and description of current, **past and future entity actions**,

[*see* FIG. 2. C 5, L 33 to C 7, L 47 *e.g., employee data computer system*] the identity and

description of elements that support the completion of entity actions, the identity and description

of resources consumed during the completion of entity actions, the identity and description of

environmental factors that affect the completion of entity actions, the interrelationship between

elements, factors and resources, the relationship between elements, factors, resources, entity

actions and entity function measure performance and combinations thereof.

Regarding claim 45. *Swart* teaches the computer readable medium of claim 37 where the method

further comprises identifying a valid context space for each entity context. [*see* FIG. 2. C 5, L 33

to C 7, L 47 *e.g., employee data computer system, item 210 (database record)*]

Regarding claim 48. *Swart* teaches the method of claim 46 wherein a measure context layer pro-

vides information that supports an identification of data and information relevance that is a func-

tion of its value to an entity. [*see* Abstract, *Examiner interprets layer as one of software interact-*

tions or network hardware]

Regarding claim 52. *Swart* teaches the context distribution system of claim 51 that supports

distribution methods selected from the group consisting of operating system layer propagation,

device synchronization, [*see* FIG. 3. C 7, L 47 to C 9, L 46] device synchronization and

replication, packet distribution, natural language interface and combinations thereof.

Regarding claim 53. *Swart* teaches the context distribution system of claim 51 that distributes

one or more aspects of context in separate layers where said layers further comprise operating

system layers, middleware layers or web service capabilities. [*see* FIG. 3. C 7, L 47 to C 9, L 46]

Claim Rejections - 35 USC § 103

10.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

11.   Claims 33, 38, 42, 44, 47, 49, 50 & 53 are rejected under 35 U.S.C. 103(a) as being

unpatentable over

Swart (USPN 6,347,306 B1)

in view of

Wical (USPN 5,887,120).

Swart has been discussed above, and teaches the limitation claim 33 i.e., a schema. However,

Swart does not teach the limitation of an ontology. *Wical* teaches an ontology.

Regarding claim 33. *Swart* teaches the apparatus of claim 28 where preparing data for use in

processing further comprises converting data to a common schema and storing said data in

accordance with said schema, [*see Swart,* FIG. 2, item 220 C 6, L 17-27 *Examiner interprets*

a schema *as a profile or database definition defining aspects of the database, e.g., attributes*

fields] and *Wical* teaches converting data to a common ontology and storing said data in

accordance with said ontology or a combination thereof. [*see Wical,* FIG. 1b, C 4, L 24-52] It

would have been obvious at the time the invention was made to a person having ordinary skill

in the art to which said subject matters pertains, to combine *Smart* with *Wical* because the static

ontologies contain knowledge concepts and present a world view of knowledge. [*see Wical,*

C 2, L 17-19]

12.   Claims 38, 42, 44 & 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Swart (USPN 6,347,306 B1)

in view of

Meada et al. (USPN 5,638,492).

Swart has been discussed above and does not teach the limitation of claims 38, 42, 44 & 49.

However, *Meada et al.* teaches the limitation of claims 38, 42, 44 & 49.

Regarding claims 38, 42, 44 & 49. *Meada et al.* teaches the computer readable medium of

claim 37 where each of one or more aspects of context are developed in an automated fashion

by learning from the data, [*see* Abstract, FIG. 3 & FIG. 4, C 7, L 12 to C 8, L 19 & FIG. 13,

C 16, L 7-26] where one or more entity contexts are developed by a series of models selected

from the group consisting of neural network; [*see* FIG. 21, C 21, L 59-64] regression,

generalized additive; support vector method, entropy minimization, generalized autoregressive

conditional heteroskedasticity, wavelets, Markov, Viterbi, relevance vector method, Ornstein –

Uhlenbeck, Bayesian, kriging, multivalent, multivariate adaptive regression spiines, swarm,

probabilistic-relational, power law, tractal, data envelopment analysis, path analysis and combi-

nations thereof. It would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matters pertains, to combine *Smart* with

Meada et al. because *Meada et al.* relates to an information processing apparatus such as a

controller and a pattern recognition apparatus for determining output data from input data,

and more particularly to an information processing apparatus and an apparatus for monitoring

a control system using the information processing apparatus which stores plural sets of

input/output data and determines outputs based on the sets to facilitate designing as well as

realize high speed processing and advanced functions such as learning. [*see* C 1, L 10-18]

13.   Claim 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Swart (USPN 6,347,306 B1)

in view of

Agrawal et al. (USPN 6,324,533 B1).

Swart has been discussed above, and does not teach the limitation claim 47. However, *Agrawal*

et al. teaches the limitation of claim 47, completing a transaction in an automated fashion where

a price for said transaction is a function of an entity context.

Regarding claim 47. *Agrawal et al.* teaches the method of claim 46 that further comprises: completing a transaction in an automated fashion where a price for said transaction is a function of an entity context. [*see* C 2, L 37 to C 3, L 24 & Table 1, C 11, L 37 to C 12, L 41] It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matters pertains, to combine *Smart* with *Agrawal et al.* because there is still a need of a method for efficiently mining data from an integrated database and data-mining system that has a shorter response time, requires less memory to operate, does not suffer the disadvantages discussed in the Background section. [*see* C 2, L 17-21]

14.   Claim 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Swart (USPN 6,347,306 B1)

in view of

Hellerstein et al. (USPN 6,330,564 B1).

Swart has been discussed above, and does not teach the limitation claim 50, context quotient of 200. However, *Hellerstein et al.* teaches the limitation of claim 50, a context quotient of 200.

Regarding claim 50. The method of claim 46 that has a context quotient of 200. [*see* FIG. 14, C 9, L 28-57 *Examiner interprets* quotient of 200 *as a maximum range or value*] It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matters pertains, to combine *Smart* with *Hellerstein et al.* because

Drawing Objection(s)

15.   Figure 2A, item 20 contains an typo.

Correspondence Information

16.   Any inquires concerning this communication or earlier communications from the

examiner should be directed to Michael B. Holmes, who may be reached Monday through

Friday, between 8:00 a.m. and 5:00 p.m. EST. or via telephone at (571) 272-3686 or facsimile

transmission (571) 273-3686 or email Michael.holmesb@uspto.gov.

If you need to send an Official facsimile transmission, please send it to (703) 746-7239.

If attempts to reach the examiner are unsuccessful the Examiner's Supervisor, Anthony

Knight, may be reached at (571) 272-3687.

Hand-delivered responses should be delivered to the Receptionist @ (Customer Service

Window Randolph Building 401 Dulany Street Alexandria, VA 22313), located on the first floor

of the south side of the Randolph Building.

Anthony Knight
Supervisory Patent Examiner
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Patent & Trademark Office

Monday, May 01, 2006

MBH